

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANAND GUPTA, :

Plaintiff, : Case No. 1:16-cv-02980 (VEC)

-against- :

AL JAZEERA AMERICA, LLC and AL : ECF Case
ANSTEY, :

Defendants. :
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DECLARATION OF BRIAN S. KAPLAN

BRIAN S. KAPLAN, under penalty of perjury, hereby declares as follows:

I am an attorney at law licensed to practice before this Court and am a partner in the law firm DLA Piper LLP (US), counsel for defendants Al Jazeera America, LLC (“AJAM” or the “Company”) and Al Anstey (“Anstey”) (AJAM and Anstey together are “Defendants”). I have personal knowledge of the facts set forth herein, except where otherwise indicated. I submit this declaration in support of Defendants’ motion for summary judgment.

1. Attached hereto as Exhibit 1 is a true and correct copy of referenced portions of the deposition of Plaintiff Anand Gupta (“Gupta”), taken on January 25, 2017.
2. Attached hereto as Exhibit 2 is a true and correct copy of referenced portions of the deposition of Defendant Al Anstey (“Anstey”), taken on January 27, 2017.
3. Attached hereto as Exhibit 3 is a true and correct copy of referenced portions of the deposition of Kate O’Brian, taken on January 31, 2017 and February 2, 2017.

4. Attached hereto as Exhibit 4 is a true and correct copy of an email from Gupta to David Harleston dated August 15, 2013 that includes Gupta's Employment Agreement with the Company, a copy of which was marked as Exhibit 26 during the Gupta deposition.

5. Attached hereto as Exhibit 5 is a true and correct copy of an email exchange amongst Ehab Al Shihabi, Diana Lee and David Harleston dated March 21, 2015, a copy of which was marked as Exhibit 10 during the Gupta deposition.

6. Attached hereto as Exhibit 6 is a true and correct copy of an email from Ehab Al Shihabi to Gupta and Luai Bashir dated March 22, 2015, a copy of which was marked as Exhibit 12 during the Gupta deposition.

7. Attached hereto as Exhibit 7 is a true and correct copy of an email from Ehab Al Shihabi to Diana Lee and David Harleston dated March 21, 2015, a copy of which was marked as Exhibit 11 during the Gupta deposition.

8. Attached hereto as Exhibit 8 is a true and correct copy of an email from Ehab Al Shihabi to Diana Lee dated May 5, 2015, a copy of which was marked as Exhibit 13 during the Gupta deposition.

9. Attached hereto as Exhibit 9 is a true and correct copy of an email from Gupta to Carla Eckles dated May 9, 2015, a copy of which was marked as Exhibit 14 during the Gupta deposition.

10. Attached hereto as Exhibit 10 is a true and correct copy of referenced portions of the deposition of Abdulla Al Najjar ("Al Najjar"), taken on February 8, 2017.

11. Attached hereto as Exhibit 11 is a true and correct copy of an email from Ehab Al Shihabi dated May 6, 2015, a copy of which was marked as Exhibit 3 during the Al Najjar deposition.

12. Attached hereto as Exhibit 12 is a true and correct copy of an email from Ibrahim Abdulla Al-Obaidli to Anstey dated June 19, 2015, a copy of which was marked as Exhibit 8 during the Anstey deposition.

13. Attached hereto as Exhibit 13 is a true and correct copy of a memorandum from Gupta to Kate O'Brian and Anstey dated July 17, 2015, a copy of which was marked as Exhibit 10 during the Anstey deposition.

14. Attached hereto as Exhibit 14 is a true and correct copy of an email from Anstey to Gupta dated December 12, 2015, a copy of which was marked as Exhibit 11 during the Anstey deposition.

15. Attached hereto as Exhibit 15 is a true and correct copy of an email from Gupta to Anstey dated December 22, 2015, a copy of which was marked as Exhibit 14 during the Anstey deposition.

16. Attached hereto as Exhibit 16 is a true and correct copy of an email from Anstey to Abdulla Al Najjar dated December 28, 2015, a copy of which was marked as Exhibit 16 during the Anstey deposition.

17. Attached hereto as Exhibit 17 is a true and correct copy of an email from Anstey to Abdulla Al Najjar dated December 23, 2015, a copy of which was marked as Exhibit 49 during the Gupta deposition.

18. Attached hereto as Exhibit 18 is a true and correct copy of referenced portions of the deposition of Eric Danner, taken on February 14, 2017.

19. Attached hereto as Exhibit 19 is a true and correct copy of an email from Anstey to Gupta dated December 25, 2015, a copy of which was marked as Exhibit 15 during the Anstey deposition.

20. Attached hereto as Exhibit 20 is a true and correct copy of an email from Anstey to HJ Chang dated December 28, 2015, a copy of which was marked as Exhibit 52 during the Gupta deposition.

21. Attached hereto as Exhibit 21 is a true and correct copy of an email from Gupta to Anstey dated January 1, 2016, a copy of which was marked as Exhibit 53 during the Gupta deposition.

22. Attached hereto as Exhibit 22 is a true and correct copy of an email from Anstey to Gupta dated January 1, 2016, a copy of which was marked as Exhibit 54 during the Gupta deposition.

23. Attached hereto as Exhibit 23 is a true and correct copy of an email from Gupta to Eric Danner dated January 5, 2016, a copy of which was marked as Exhibit 55 during the Gupta deposition.

24. Attached hereto as Exhibit 24 is a true and correct copy of an email from Anstey to Gupta dated January 9, 2016, a copy of which was marked as Exhibit 56 during the Gupta deposition.

25. Attached hereto as Exhibit 25 is a true and correct copy of an email from Eric Danner to Anstey dated January 11, 2016, a copy of which was marked as Exhibit 17 during the Anstey deposition.

26. Attached hereto as Exhibit 26 is a true and correct copy of referenced portions of the deposition of HJ Chang, taken on February 1, 2017.

27. Attached hereto as Exhibit 27 is a true and correct copy of an email from Gupta to Anstey dated January 24, 2016, a copy of which was marked as Exhibit 57 during the Gupta deposition.

28. Attached hereto as Exhibit 28 is a true and correct copy of an email from Gupta to HJ Chang dated January 27, 2016, a copy of which was marked as Exhibit 63 during the Gupta deposition.

29. Attached hereto as Exhibit 29 is a true and correct copy of an email from Anstey to Gupta dated January 27, 2016, a copy of which was marked as Exhibit 64 during the Gupta deposition.

30. Attached hereto as Exhibit 30 is a true and correct copy of an email from Gupta to Anstey, Kate O'Brian and HJ Chang dated January 28, 2016, a copy of which was marked as Exhibit 65 during the Gupta deposition.

31. Attached hereto as Exhibit 31 is a true and correct copy of an email from Anstey to Gupta dated January 28, 2016, a copy of which was marked as Exhibit 66 during the Gupta deposition.

32. Attached hereto as Exhibit 32 is a true and correct copy of an email from Anstey to Gupta dated January 29, 2016, a copy of which was marked as Exhibit 68 during the Gupta deposition.

33. Attached hereto as Exhibit 33 is a true and correct copy of an email from HJ Chang to Gupta dated February 5, 2016, a copy of which was marked as Exhibit 70 during the Gupta deposition.

34. Attached hereto as Exhibit 34 is a true and correct copy of an email from Gupta to HJ Chang dated February 7, 2016, a copy of which was marked as Exhibit 72 during the Gupta deposition.

35. Attached hereto as Exhibit 35 is a true and correct copy of an email from HJ Chang to Gupta dated February 7, 2016, a copy of which was marked as Exhibit 73 during the Gupta deposition.

36. Attached hereto as Exhibit 36 is a true and correct copy of an email from Kate O'Brian to Eric Danner and Anstey dated February 19, 2016, a copy of which was marked as Exhibit 74 during the Gupta deposition.

37. Attached hereto as Exhibit 37 is a true and correct copy of excerpts of text messages between Gupta and HJ Chang.

38. Attached hereto as Exhibit 38 is a true and correct copy of text messages between Gupta and Ineke Tambunan, a copy of which was marked as Exhibit 62 during the Gupta deposition.

39. Attached hereto as Exhibit 39 is a true and correct copy of referenced portions of the deposition of Edwina Triche-Newman, taken on January 20, 2017.

40. Attached hereto as Exhibit 40 is a true and correct copy of referenced portions of the deposition of Toby Winer, taken on January 18, 2017.

41. Attached hereto as Exhibit 41 is a true and correct copy of an email from Richard Kidd to Jeremiah Iadevaia dated February 27, 2016, a copy of which was marked as Exhibit 23 during the Anstey deposition.

42. Attached hereto as Exhibit 42 is a true and correct copy of an email from Anstey to Gupta dated March 9, 2016, a copy of which was marked as Exhibit 79 during the Gupta deposition.

43. Attached hereto as Exhibit 43 is a true and correct copy of an email from Anstey to Gupta dated March 10, 2016, a copy of which was marked as Exhibit 80 during the Gupta deposition.

44. Attached hereto as Exhibit 44 is a true and correct copy of an email from AJAM HR to Gupta providing a copy of the proposed letter agreement to Gupta (“Stay Agreement”), dated March 25, 2016.

45. Attached hereto as Exhibit 45 is a true and correct copy of the Stay Agreement executed as of April 15, 2016.

46. Attached hereto as Exhibit 46 is a true and correct copy of Defendants’ Supplemental Response to Interrogatory Number 15.

47. Attached hereto as Exhibit 47 is a true and correct copy of referenced portions of the deposition of Ehab Al Shihabi, taken on February 21, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 12, 2017
New York, New York

s/ Brian S. Kaplan
Brian S. Kaplan